

## Indiana Legislature.

[REPRODUCED FROM THE INDIANA STATE SENTINEL.]

### SENATE.

MONDAY MORNING, Jan. 10, 1848.  
The Senate was called to order pursuant to adjournment by the Hon. Paris C. Dunning president. A call of the Senate being made, the following members were absent: Messrs. Condit, Conner, Davis, Ellis, Green, Holloway, Howell, Marsh, Martin, Murphy, Simpson, Stewart, Taber, Walpole, and Willard—15.

There being a quorum present,  
Mr. Orin offered the following resolution:  
Resolved, That the House of Representatives be informed that the Senate have met pursuant to adjournment, formed a quorum and are now ready for legislative business.

The journal of the last day's proceedings was read and adopted.

Petitions were presented by Messrs. Reed, Goodnow, Waters, Miller, Montgomery, Beard, Murray, Cassatt, Orin, Day, Hardin, Osborn, and Huffstetter, which were referred to appropriate committees.

Mr. Randall presented a petition from the German citizens of Allen county, praying for an appropriation of a portion of the public school fund for the support of German schools, which was referred to the committee on education.

The President laid before the Senate the report of the Trustees of the Wabash and Erie canal, which was laid on the table and one thousand copies ordered to be printed.

A memorial from the National Medical Convention of Philadelphia was laid before the Senate, and referred to the committee on education.

Mr. Orin, from a select committee, reported a bill in relation to the summary fund of Tippecanoe county, which was read a first time and passed to a second reading.

Mr. McCarty, from the joint committee appointed to wait on the Governor, reported that he would be ready on tomorrow to make his annual communication to the Legislature.

By Mr. English, to authorize the Secretary of the Senate to employ such assistance as the duties of his office may require. Adopted.

By Mr. Milligan, to give jurisdiction to justices of the peace in certain cases in the counties of Jay, Jackson, and Randolph; which was referred to the judiciary committee.

By Mr. Stewart, to retain in office the present assistant door keeper.

Mr. Orin moved to refer the resolution to a select committee; which was lost.

The resolution was then adopted.  
By Mr. Houghton, that the Trustee of the New Albany and Vincennes road make his report as soon as possible. Adopted.

**Bills Introduced.**  
By Mr. Goodnow, to incorporate the Madison Female College; read a first and second time and referred to the committee on education.

By Mr. Robinson, to attach part of the county of Shelby to the county of Decatur; referred to a select committee.

By Mr. Beard, a bill to incorporate the Crawfordsville and Indianapolis railroad company; referred to the committee on corporations.

By Mr. Berry, to repeal part of a certain act in relation to the vacation of certain streets and alleys in the town of Bloomington; read first time.

By Mr. Orin, creating the Tippecanoe court of common pleas, and defining its jurisdiction; read and referred to the judiciary committee.

By Mr. Stewart, for the benefit of the Union Literary Society of Indianapolis; read and passed to a third reading.

By Mr. Morrison, providing for a special term of the probate court of Washington county; read three times and passed.

By Mr. Waters, for the punishment of embezzlement; read and referred to the judiciary committee.

By Mr. Stewart, to protect the trust funds of the State; referred to the committee on finance.

By Mr. Orin, to incorporate the Greenbush Cemetery Association of Lafayette; read and passed to a third reading.

By Mr. Handy, to authorize Ira Bailey to build an arm to the Knightstown and Shelbyville railroad; referred to the committee on corporations.

Senate adjourned.

### AFTERNOON SESSION.

The Senate met.  
Mr. Handy presented a remonstrance from citizens of Shelby County against changing the boundaries of said County.

Mr. Robinson, moved its reference to a select committee with instructions to report the residence of the remonstrants.

Mr. Handy moved to lay the motion of Mr. Robinson on the table which was carried.

Mr. Walpole, presented a petition from citizens of Hancock and Rush which was referred to a select committee.

Mr. Stewart, moved to take from the table the message of the House with the accompanying bill in relation to fixing the terms of holding the Marion Circuit Court, which was read a second time and on motion of Mr. Stewart amended, and the bill was amended and passed.

**Bills Passed.**  
A bill providing for the acknowledgment of deeds for Volunteers in Mexico.

A bill relative to the executive of decrees in Chancery.

A bill relative to the Practice in the Laporte Circuit Court.

A bill to amend the license law, permitting the people of the different counties to vote on their tickets at the polls the word "License," which was read a second time and laid on the table.

A bill to prohibit the sale of spirituous liquors in any quantity in Henry township, in the county of Henry, which was read a second time and laid on the table.

Mr. Walpole moved to reconsider the vote on the passage of the bill providing for the acknowledgment of deeds in Mexico, which was carried, and the bill laid on the table.

Mr. Houghton introduced the following resolution:  
Resolved, That the Auditor of State be requested to transmit to the Senate the report recently made by the Trustees of the Vincennes and New Albany road.

A bill regulating appeals from other tribunals to the circuit courts was read a second time and referred to the committee on the judiciary.

A report from the State Librarian was laid before the Senate, and referred to the committee on the State Library.

Senate adjourned.

### HOUSE OF REPRESENTATIVES.

MONDAY MORNING, January 10, 1848.  
The Speaker called the House to order.

On motion, a call of the House was ordered, when it was found that all were present with the exception of Messrs. Abin, Bowling, Carr, De Bruler, Dole, Dunham, Gordon, Hankins, Hudleston, Meredith, Nimmons, Parker, Richmond, Sackett, Stanton, Swarth, Widney and Williams of Madison.

And, on motion of Mr. Fuller, the further call was suspended.

Mr. Harvey offered a resolution that the Senate be informed that the House had met, pursuant to adjournment, formed a quorum, and were ready to proceed to business.

**Petitions Presented.**  
By Mr. Covington, relative to the inspection of hay, from certain citizens of Ohio county.

By Mr. Lane, relative to the amendment of the militia system of the State.

By Mr. Neff, relative to repealing an act incorporating a certain town therein named.

### REPORTS.

By Mr. Orton, from the committee on the judiciary, that it was inexpedient to legislate further upon a subject therein named. [The committee could not suggest what was meant by "other branches of the peace" spoke of in the Revised Statutes of 1843.]

By Mr. Cookerly, reporting from a select committee that for purpose appointed—that the Governor will deliver his message on tomorrow, Tuesday, at half past 2 o'clock, P. M.

**Resolutions Introduced.**  
By Mr. Cookerly, relative to the superintendent of the Vincennes and New Albany turnpike road, to make his report as soon as convenient; adopted.

By Mr. Harvey, that the members of this General Assembly be allowed mileage to and from the capital only once; passed to a second reading.

By Mr. Fuller, for the relief of James Harling, of Warrick county; passed.

By Mr. Sullivan, regulating the act of ejectment. [When a tract of land lays partly in one county, and partly in another, that the suit may be brought in either county;] rules suspended, and referred to the judiciary committee.

By Mr. Miller, to legalize the acts of Peter Naffar, a half blood.

By Mr. Hull, amending the act of incorporation of the city of Madison; rules suspended referred to the committee on corporations.

By Mr. Brown, fixing the time of holding courts in the counties of Adams and other purposes; rules suspended, and the bill passed.

By Mr. Wolf, incorporating the Evansville, Vincennes and Terre Haute railroad.

By Mr. Frazier, incorporating the Kosciusko, Elkhart and Miami railroad company.

By Mr. Miller, incorporating the South Bend Woodbury and Elkhart railroad company.

By Mr. Orton, concerning the State Library.

By Mr. Orin, fixing jurors' fees before justices' court, in Delaware county.

By Mr. Hull, amending an act authorizing the election by the people relative to granting of license to all spirituous liquors.

**ORDERS OF THE DAY.**  
**Bills Passed.**  
A bill declaring a misprint of Statutes of 1843.

A bill amending an act compelling speculators to pay a tax equal to actual settlers.

A bill changing the mode of electing commissioners of the county of Elkhart.

Mr. Graham moved that the rules be suspended, and the bill be read the third time.

Mr. Berry remarked he was opposed to the bill. The manner of electing county commissioners was now known throughout the State, and there was no exception to it. He thought there was too much special legislation. Let local legislation be done away with; and let us have the laws as general as possible, and not have our shelves loaded down with local laws.

Mr. Graham thought he himself was the representative of Pike county; and he knew what his constituents would say. He would not, under any circumstances, support a bill which would have the effect to deprive them of their rights.

Mr. Cookerly moved to refer the bill to a select committee, with instructions to inquire into the expediency of making its provisions general.

Mr. Lane was against special legislation. Let us have our laws so that our State may be one State, and not have each county a State. Let us use other States in what is right.

Mr. Little would express his disapprobation of the reference. He was opposed to local legislation where the general laws were interfered with.

At this stage of the proceedings, Mr. Meredith was called to the floor.

The discussion was further continued by Messrs. Graham, Williams, and others.

The bill was so referred.

The House adjourned.

### AFTERNOON SESSION.

Leave granted, Mr. Cookerly introduced a joint resolution relative to giving power to the Governor to procure a sword with suitable emblems and inscriptions thereon, expressive of the admiration and feelings of the people of the State of Indiana, to be presented to Brigadier General Joseph Lane of Indiana, for his distinguished services on the battle-field of Buena Vista; passed to a second reading.

Leave granted, Mr. Fuller introduced a petition of citizens of Warrick county, relative to tavern licenses.

Also, to introduce a petition of citizens of Warrick county, relative to a change of a road in said county.

Leave granted to Mr. Morrison, relative to a railroad through certain counties therein named.

Which were severally read and referred to appropriate committees.

The Speaker then laid before the House a report from the Trustees of the Wabash and Erie Canal; which was laid upon the table, and ordered 1000 copies to be printed.

Mr. McDonald moved to dispense with the rules and read a third time now, an act extending the jurisdiction of justices of the peace in Porter and Lake counties.

Mr. Kinney was opposed to local legislation. He cited to the House the evils of local legislation. He wished to bring suit against a constable in a certain county, and went to the clerk's office to get a copy of the bond where it ought by the law to be filed. But he found a local law in the way; that two townships in that county had the privilege of township clerk, and it was made the duty that the constable's bond of that township should be filed with that clerk. A gentleman proposed a change here so far as the county which he represented, in the laws of the State. That gentleman would make an appeal to gentlemen to favor him. It was hard to refuse him; but principle must adhere to him. He must upon the principle that the laws of the State should be equal and general, oppose special legislation.

Mr. McDonald said when he first came into this Hall he also was very patriotic, and thought he would propose some reform for the benefit of the good people. He then stated a conversation between himself and some old member as well, and on faces still wet with the late tears of the day, that the constable's bond of that township should be filed with that clerk. "That any one who thought he would effect any change in local legislation, was an ass." He was willing the question might be taken on this bill, and that it be a test one, whether there be local legislation or not. He thought however, it would be better to pass the bill, than to spend the time of the legislature, or money to pay for the law.

Mr. Kinney thought if he did wear long ears it was his misfortune. But was sorry to see the gentleman had in his opinions, as well as his course of conduct, changed so much. Consistency was a great virtue. It was true it would not take much time to send one little bill, or to print it, but when it came to a hundred bills, it cost time and money both to print them. If gentlemen voted to suspend the rules in this case, he should hereafter go with them—he would not be contrary, he could live under diverse laws as well as they.

The rules were not suspended.

The bill calling for an appropriation of money out of the State treasury for the erection of a postoffice in the city of Indianapolis, was, on motion, laid upon the table.

The Speaker then laid before the House the annual report of the State Librarian; laid on the table and referred to the committee on the State Library.

Also, the report of the National Medical Convention of Philadelphia; referred to a select committee consisting of Messrs. Hunt, Trimble and Morrison.

Leave granted, Mr. Lane offered a resolution that a committee of one from each county situate on the Ohio river, to inquire into the amount of injury done by the late freshets to the citizens of that river.

Mr. Harlan then arose and announced the death of the Hon. Andrew Kennedy, as follows:

MR. SPEAKER—I rise for the purpose of performing a mournful duty, and none other than to announce the death of a faithful friend and public servant of the State of Indiana, and best friend of the people.

And now whilst the feeling of devoted grief is yet warm in our hearts, and that tokens of sorrow and deep affliction are still upon our eyes; and on faces still wet with the tears of mourning; it becomes necessary that I should give renewed pain and grief to our finer feelings, by hastily passing in quick review before them, a number of the ordinary duties of him, who rules over all matters, both in private and in public; and which has depicted the nation of an upright and noble man; and his adopted State of a faithful and approved public servant; and myself of one of the best and truest of friends.

I mean the Hon. Andrew Kennedy—who died at the Palace House, in the town of Indianapolis, on Friday night the 21st of Dec., 1847, in the 38th year of his age, after an illness of about twenty-one days.

At which time his soul quietly left this tenement of clay, and took its flight to that which follows the resurrection of the dead, and his body gently sank into the bosom of his mother earth, away from father, mother, wife, brother, sister, children or friends and home.

I shall not attempt on this occasion, to pass a formal and labored eulogy on the character and personal qualities of my departed friend—feeling that I shall best acquit myself of this painful duty, and the respect which I owe, and am proud to cherish for the well known and many virtues of his own choice, by limiting myself to a careful yet unostentatious review of his life and career.

Mr. Kennedy was born on the 24th of May, 1810, about five miles east of Layton, in the county of Montgomery, and State of Ohio. His parents were professing Christians of that order and peaceable society called Quakers, under whose kind tuition he remained until he was about sixteen years old, when he was apprenticed to the blacksmithing business. After following his trade a short time he went to the mercantile business, and continued there but a short while, until it was ascertained that his father had so involved himself by bad management and want of economy, that it was necessary for him to retire from the firm.

From that he applied himself to the study of the Law in the town of Connersville in this State, where he was licensed as an attorney, and gave evidence of his future usefulness as a lawyer and statesman.

From Connersville he removed to the town of Muncie, in Delaware county, and there practiced his profession with great energy of character, and was one of the foremost and most successful criminal lawyers in the State. In the year 1836, he was elected to fill a vacancy in the Senate of the State, receiving every vote in his own county but thirteen.

In the year following he was again chosen Senator for a full term.

Mr. Speaker, I need not allude to his services as a Senator in the State of Indiana; the history of this country and many of those who are now within these walls can bear testimony to his many and noble services, to his acute, quick, logical, and devoted devotion and patriotism, to his sound and elegant debater.

In January 1840 he was chosen by his political friends, as an Elector of the 10th Congressional district of the State.

In the May following he was elected to Congress from the same district.

By Mr. Houghton, 1842, he was again returned to Congress from the 10th Congressional district, the State having been in the meantime apportioned into Congressional districts, which were then in the hands of the people.

In 1843, he was again returned to Congress. On all of which occasions he was the unanimous choice of his own party.

In 1847, the nomination for Congress was again tendered to him—but he manfully and generously declined—arguing as a reason that he had been so much in public life, and away from home in the State, that he could not do justice to his family and to his duties, and that he desired to attend to their education, their nurture and admonition.

And who can doubt that that higher honor, and greater fame yet awaited him, and that I shall not be deemed by any one who hears me at this exulting hour, that I, as a citizen of this State, and as a member of this body, in the Legislature of his adopted State, or in the Congress of the nation, gave constant and continued proof of his sound, practical and statesman-like intellect, unyielding honesty of purpose, and a soundness of soul and will, that ever qualified him for the performance of all generous, hospitable and noble deeds—and which at all times saved him from the charge of any act that was ignoble, selfish, or dishonest.

I hope and believe, that I shall not be deemed by any one who hears me at this exulting hour, that I, as a citizen of this State, and as a member of this body, in the Legislature of his adopted State, or in the Congress of the nation, gave constant and continued proof of his sound, practical and statesman-like intellect, unyielding honesty of purpose, and a soundness of soul and will, that ever qualified him for the performance of all generous, hospitable and noble deeds—and which at all times saved him from the charge of any act that was ignoble, selfish, or dishonest.

He was blessed with unusual gentleness, harmony and love. The frankness of his manners and cordiality of his conduct toward his friends and acquaintances, and his personal acquaintance with all his friends and acquaintances.

In private life he was remarkably bold, courteous and interesting. And he displayed a soundness of soul and will, that ever qualified him for the performance of all generous, hospitable and noble deeds—and which at all times saved him from the charge of any act that was ignoble, selfish, or dishonest.

His living moments never failed to fill with the loveliest hopes of true goodness and prosperity.

By Mr. Orin, Delaware county, then arose and remarked:

MR. SPEAKERS SIR, I rise at this time to announce to you and to the House, the pleasing intelligence that that faithful and noble friend, the small pox, is measurably arrested.

We had some thirty deaths in our County, and the deaths of the number, but of ten fifteen cases in the country there was but one case of death, and for a week or ten days previous to my leaving home, there was but one case of death. Now Sir, I am glad to know that the small pox is arrested, and that the people of this State are saved from a plague which was about to be visited; yet, we were in great gloom and sadness at the news of the death of our highly honored and much respected fellow citizen, the Hon. Andrew Kennedy. Death is true to no respecter of persons, the high and the low, the rich and the poor, all are alike the same fate, and in the case of a virtuous man, a saint and a generous man, his social virtues were most appreciated by those who best knew him. As an instance of this, I will tell you that in his own home, he was a kind and affectionate father, a loving husband, and a devoted friend.

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the valuation or appraisement law on all contracts made from and after the 1st of June next; adopted.

By Mr. McCarty, in relation to the war with Mexico; which was passed to a second reading on tomorrow.

By Mr. Holloway, in relation to the war existing between this country and Mexico; which was passed to a second reading on tomorrow.

By Mr. Millikin, a bill for the relief of the city of Lawrenceburg; which was read, the rules suspended, and the bill passed.

By Mr. Murray, a bill to repeal an act entitled an act for the relief of the Miami Indians, which was referred to the Judiciary committee.

By Mr. Waters, a bill for the relief of the heirs of Anthony Sells; passed to a second reading.

By Mr. Orin, a bill to authorize Mattias Peterson to convey water into the city of Lafayette; passed to a second reading on tomorrow.

By Mr. McCarty, a bill to incorporate the Fairfield Hydraulic Company; which was referred to the committee